



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/829,865	04/10/2001	Yuuji Usui	4766-6	7676

7590 09/27/2004

LAFF, WHITESEL, CONTE & SARET
401 North Michigan Avenue
Chicago, IL 60611

EXAMINER



JASMIN, LYNDIA C

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

 Office Action Summary	Application No. 09/829,865	Applicant(s) USUI, YUUJI 
	Examiner Lynda Jasmin	Art Unit 3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 June 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>5/6/04, 6/28/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Amendment received on June 17, 2004 has been acknowledged. Claims 13, 17 and 18 are cancelled.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson et al. (CA 2,304,643).

Anderson discloses a network-based sales system having a merchant computer sending an order of a product (via clinic computer system), a defining unit (via an automatic input device to automatically generate product number bar code; page 18, lines 5-13), and a distribution/production managing computer (via dispensing system; page 20, lines 5-7), wherein the defining unit defines a bar code of the product in response to an order (via output document such as product label to be affixed to the product), and notifies the distribution/production managing computer of the bar code (scanning e.g. via a bar code reader), and wherein the distribution/production managing computer manages distribution of the product based on the bar code (as illustrated in Figure 2; page 7, lines 9-14).

Anderson further discloses an electronic data processing (via communicating 'via global communications network' with a number of external entities or sites; as illustrated in Figure 2) and managing stock of a merchant (such a clinic) based on the bar code (based on the entered information into the clinic computer system preferably via the bar code reader; see also page 11, lines 2-4).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-12 rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Perkowski (2002/0004753 A1).

Anderson discloses the structural elements of the claimed invention, but fails to explicitly disclose a format product master database to which register bar codes are registered.

Perkowski discloses the concept of having a formal product master database to which registered bar codes for formally registered products are registered (the centralized UPC Catalog Database Subsystem), wherein a defining unit (3) accesses the formal product master database to see if a product bar code for the product is registered as one of the registered bar codes, and defines the product bar code of the product to register the product bar code into the formal product master database as one

Art Unit: 3627

of the registered bar codes when the product bar code for the product is not registered as one of the registered bar codes (as illustrated in Figures 5A, 5B, 6A and 6B). As per providing a tentative product master databases having tentative product data concerning tentatively registered products with prices of the tentatively register products, Perkowski discloses a web based document administration computer 31 connected to web based document server 30 for administrating the registration of manufacturers and products with the system. Computer 31 and server 30 further manage the process of registering qualified manufacturers and their products and updating the product-related information with the IPD servers 11.

From this teaching of Perkowski, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the defining of a product bar codes in response to an order as disclose in Anderson to include product master database taught by Perkowski in order to provide manufacturers with tools to easily create, maintain contain information relating to their products.

Response to Arguments

6. Applicant's arguments with respect to claims 1-12 and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bain et al. and Ghaffari et al. are cited for disclosing the method of generating label for processing purchase orders.

O'Brien, Wallace et al., and Hart et al. are cited for disclosing a method medical product and generating prescription label based on patient prescription order.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lynda Jasmin whose telephone number is (703) 305-0465. The examiner can normally be reached on Monday- Friday (8:00-5:30) alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lynda Jasmin
Primary Examiner
Art Unit 3627
9/18/04